

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 09, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUSTIN M.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 2:21-CV-128-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO
REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 21. Plaintiff Dustin M.¹ is represented by attorney Chad L. Hatfield. The Commissioner of Social Security is represented by Special Assistant United States Attorney Martha A. Boden.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**. Pursuant to the parties' stipulation, the Commissioner's final decision is **reversed and remanded** for

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand
2 to the Commissioner of Social Security, the Appeals Council should instruct the
3 Administrative Law Judge to:

- 4 • offer Plaintiff the opportunity for a hearing and take any further action
5 needed to complete the administrative record and issue a new decision;
- 6 • evaluate the opinion evidence, considering its supportability and
7 consistency with the record evidence;
- 8 • reevaluate Plaintiff's maximum residual functional capacity (RFC) and
9 determine whether Plaintiff is able to do any other work considering his
10 RFC; and
- 11 • as warranted by the expanded record, obtain supplemental vocational
expert evidence to clarify the effect of the assessed limitations on
Plaintiff's ability to perform other work in the national economy.

See ECF No. 21-1 at 1–2.

12 Upon proper presentation, this Court will consider Plaintiff's application for
13 costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

14 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary
15 Judgment, **ECF No. 14**, is **DENIED AS MOOT**.

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
17 Order and provide copies to counsel, enter judgment in favor of Plaintiff, and **close**
18 **the file.**

19 **DATED** March 9, 2022.

s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
21 Senior United States District Judge